

On August 10, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29438. Misbranding of gauze bandages. U. S. v. 45 Dozen Packages of Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 42893. Sample No. 27347-D.)

The labeling of this product bore false and misleading representations that it was sterile; whereas it was contaminated with viable micro-organisms.

On June 4, 1938, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 dozen packages, 1-inch size, and 12 dozen packages, 2-inch size, of gauze bandage at Denver, Colo., consigned by Hampton Manufacturing Co., Inc.; alleging that the article had been shipped in interstate commerce on or about March 16, 1938, from Carlstadt, N. J.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "National Gauze Bandage * * * National Pharmacal Company, New York, N. Y."

It was alleged to be misbranded in that the statement on the label in English, "Has been scientifically prepared for surgical use under sanitary manufacturing conditions," and a similar statement in Spanish, were false and misleading when applied to an article contaminated with viable micro-organisms.

On July 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29439. Misbranding of Spavin Counter-Irritant. U. S. v. 18 Bottles of Spavin Counter-Irritant. Default decree of condemnation and destruction. (F. & D. No. 42892. Sample No. 24822-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On June 14, 1938, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bottles of Spavin Counter-Irritant at Raleigh, N. C.; alleging that the article had been shipped in interstate commerce on or about March 22, 1938, from Newburgh, N. Y., by the Kells Co.; and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Dr. E. Detchen Med. Co., Spavin Counter-Irritant."

Analysis of a sample of the article showed that it consisted essentially of oil of turpentine and ginger.

Misbranding was alleged in that the following statements in the labeling falsely and fraudulently represented the curative or therapeutic effectiveness of the article: "Spavin * * * is used as a local treatment for new and acute Bone Spavins, * * * splints. * * * Apply with the hand once a day for three days; then omit three days and so continue applying and omitting for the space of thirty days. Then omit two weeks to see if the enlargement or disease is all gone. If not repeat the process. Bathe the throat for Distemper, Sore Throat and coughs. Bathe the breast and sides for Lung Fever, Boils and Heaves. One bottle is usually sufficient, very bad blemishes require several."

On August 17, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29440. Adulteration and misbranding of Epsom salts. U. S. v. 20 Bags and 77 Bags of Epsom Salts. Default decree of condemnation. Product delivered to welfare organization. (F. & D. Nos. 41960, 41961. Sample Nos. 11561-D, 11563-D.)

This product was sold under a name recognized in the United States Pharmacopoeia, Epsom salt, i. e., magnesium sulphate, but differed from the standard laid down in said pharmacopoeia since it contained a considerable proportion of sodium sulphate, i. e., Glauber's salt.

On March 16, 1938, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 bags of Epsom salts at Salt Lake City, Utah; alleging that the article had been shipped in interstate commerce on or about December 3, 1937, from Medicine Bow, Wyo., by Wyoming Chemicals, Inc.;

and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, Epsom salt, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia since it contained approximately 31 percent in the case of one lot, and 41 percent in the case of the other lot, of sodium sulphate, i. e., Glauber's salt; and its own standard of strength, quality, and purity was not stated on the container.

Misbranding was alleged in that the statement on the label of one lot, "Epsom Salts—U. S. P. Grade," and that on the other lot, "Epsom Salts," were false and misleading. Further misbranding was alleged in that the article was offered for sale under the name of another article, Epsom salt; whereas it was a mixture of Epsom salt and Glauber's salt.

On July 30, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a welfare organization to be used for external medicinal purposes.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

29441. Misbranding of Healthagain Preparations. U. S. v. Healthagain Laboratories, Inc. Plea of guilty. Fine, \$240. (F. & D. No. 31447. Sample Nos. 4758-A, 8951-A, 8953-A, 8954-A, 19226-A, 21756-A, 21758-A, 21826-A.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false representations regarding their composition.

On October 24, 1934, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Healthagain Laboratories, Inc., Wellsburg, W. Va.; alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 17, 21, and 26 and October 25, 1932, from the State of West Virginia into the States of Illinois, New York, Pennsylvania, and Ohio of quantities of Healthagain Preparations, hereinafter described, which were misbranded and of which certain ones were adulterated. The articles were labeled in part: "Healthagain Laboratories, Inc. * * * Wellsburg, W. Va." All lots with one exception were variously labeled: "* * * Ulcerated Stomach," "* * * Anemia," "* * * Special," "* * * Diabetes No. 3," "* * * Anemia No. 3," or "* * * Sugar Diabetes." One lot bore no special designation.

Analyses of samples of the articles showed that one lot labeled "Special" and another lot labeled "Sugar Diabetes" consisted essentially of Epsom salt, sugar, alcohol, water, and plant extractives including an emodin-bearing drug, such as senna or rhubarb, and some sediment; and that the remaining lots consisted essentially of Epsom salt (approximately 20 percent), extracts of plant drugs including laxative drugs such as senna, rhubarb, jalap, and podophyllum, alcohol (approximately 3.2 percent by volume), sugar (approximately 20 percent), and water.

The product designated as a treatment for ulcerated stomach and one lot of that designated as a treatment for "Sugar Diabetes" were alleged to be misbranded in that statements in the labeling regarding their curative and therapeutic effects falsely and fraudulently represented that they were effective as treatments for diabetes, high blood pressure, anemia, Bright's disease, dropsy, tuberculosis, liver ailments, nervousness, skin disease, ulcerated stomach, arthritis, rheumatism, gall-bladder trouble, and asthma; to enable the user to regain health; effective as a remedy for boils, carbuncles, blisters, congestion of the liver, and gangrene resulting from diabetes; effective to unload the excessive sugars, poisons, and acids that are in the liver in liquid form, to work the liver, force it into action, and to unload the raw sugars and acids through the bowels; to drive the sugar and impurities from the liver; to cleanse the liver, destroy the acid, build up the red corpuscles and increase the vitality; as a treatment for acidosis; as a remedy for obesity, sickness, weakness, disease, rheumatism, tuberculosis, gout, diabetes, skin disorder, mucous colitis, neuritis, kidney involvement, heart trouble, asthma, serious ailment, headaches, abscesses, nausea, ulcers, inflammation of gall bladder, and swelling and tenderness of skin due to acidosis; to restore the liver, spleen, and pancreas to normal functioning; to keep the liver healthy; effective as a remedy for headache, vertigo, anemia, acne, and other infections of the skin, neuritis and arthritis